

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF RICHMOND**

**SHERWOOD A. MASON,**

**Plaintiff,**

**v.**

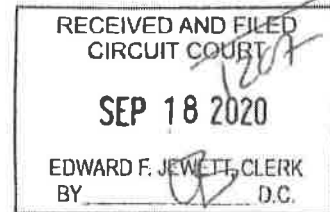
**CASE NO.: CL20-3563**

**ROSS NEELY SYSTEMS, INC.,**

**and**

**DAVID J. CRAIG,**

**Defendants.**



**ANSWER**

Defendant Ross Neely Systems, Inc. ("RNS"), by counsel, provides the following for its Answer to the Plaintiff's Complaint.

1. The allegations of Paragraph 1 of Plaintiff's Complaint are not directed against RNS and require no response.
2. RNS admits the allegations of Paragraph 2.
3. RNS denies that the applicable plate number is IRP1844. The plate number for the relevant tractor is 1126957. RNS admits the remaining allegations of Paragraph 3.
4. Paragraph 4 consists of the legal conclusions of the pleader, to which no response is required.
5. RNS admits that, at the time of the subject accident, David J. Craig ("Craig") was its employee and was acting within the scope of his employment. RNS denies that Craig was negligent and therefore denies that it is liable to Plaintiff. Any remaining allegations of Paragraph 5 consist of the legal conclusion of the pleader, to which no response is required.



6. RNS admits that, on August 22, 2018, at approximately 2:10 p.m., Plaintiff was operating a forklift on a loading dock, and was using it to load paper rolls onto the trailer being hauled by Craig. RNS lacks information sufficient to admit or deny the remaining allegations of Paragraph 6.

7. Paragraph 7 consists of the legal conclusions of the pleader, to which no response is required.

8. RNS denies Paragraph 8.

9. RNS denies Paragraph 9.

10. RNS denies Paragraph 10.

11. RNS denies all allegations of the Plaintiff's Complaint not specifically admitted to in this Answer, including any allegations contained in any unnumbered paragraph of the Complaint, including those beginning with "Plaintiff, Sherwood A. Mason" and "Wherefore."

12. RNS denies that it was negligent in the manner alleged in the Complaint, or in any other way, or proximately caused the Plaintiff's alleged injuries and damages.

13. RNS denies it is liable to the Plaintiff for any reason or for any amount.

14. RNS states the evidence may show Plaintiff was contributorily negligent.

15. RNS states the evidence may show Plaintiff assumed the risk of the accident or his injuries.

16. RNS states the evidence may show that Plaintiff failed to mitigate his damages.

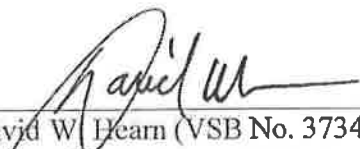
17. RNS denies that Plaintiff was injured to the extent alleged, if at all.

18. RNS presently lacks information sufficient to determine whether certain affirmative defenses may apply to Plaintiff's claims, and therefore specifically reserves the right to amend this Answer to assert all potential defenses revealed through discovery or at trial.

WHEREFORE, Ross Neely Systems, Inc., by counsel, requests judgment on its behalf along with its costs and such other relief as justice may require.

Trial by jury is demanded.

ROSS NEELY SYSTEMS, INC.  
By Counsel



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David W. Hearn (VSB No. 37347)  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was sent via U.S. Mail, first class and postage pre-paid, to the following on this the 18<sup>th</sup> of September, 2020.

S. Geoffrey Glick (VSB No. 28800)  
Jason M. Hart (VSB No. 76818)  
The Joel Bieber Firm  
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(804) 358-2200  
(804) 358-2262  
*Counsel for Plaintiff*



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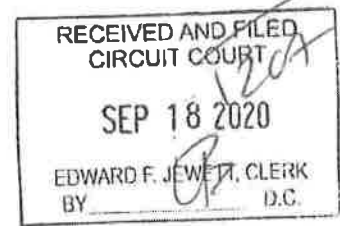
**CASE NO.: CL20-3563**

**ROSS NEELY SYSTEMS, INC.,**

**and**

**DAVID J. CRAIG,**

**Defendants.**



**ANSWER**

Defendant David J. Craig ("Craig"), by counsel, provides the following for his Answer to the Plaintiff's Complaint.

1. The allegations of Paragraph 1 of Plaintiff's Complaint are not directed against Craig and require no response.
2. The allegations of Paragraph 2 are not directed against Craig and require no response.
3. Craig denies that the applicable plate number is IRP1844. The plate number for the relevant tractor is 1126957. Craig admits the remaining allegations of Paragraph 3.
4. Paragraph 4 consists of the legal conclusions of the pleader, to which no response is required.
5. Craig admits that, at the time of the subject accident, he was an employee Ross Neely Systems, Inc. ("RNS") and was acting within the scope of his employment. Craig denies

that he was negligent and therefore denies he is liable to Plaintiff. Any remaining allegations of Paragraph 5 consist of the legal conclusions of the pleader, to which no response is required.

6. Craig admits that, on August 22, 2018, at approximately 2:10 p.m., Plaintiff was operating a forklift on a loading dock, and was using it to load paper rolls onto the trailer being hauled by Craig. Craig lacks information sufficient to admit or deny the remaining allegations of Paragraph 6.

7. Paragraph 7 consists of the legal conclusions of the pleader, to which no response is required.

8. Craig denies Paragraph 8.

9. Craig denies Paragraph 9.

10. Craig denies Paragraph 10.

11. Craig denies all allegations of the Plaintiff's Complaint not specifically admitted to in this Answer, including any allegations contained in any unnumbered paragraph of the Complaint, including those beginning with "Plaintiff, Sherwood A. Mason" and "Wherefore."

12. Craig denies that he was negligent in the manner alleged in the Complaint, or in any other way, or proximately caused the Plaintiff's alleged injuries and damages.

13. Craig denies he is liable to the Plaintiff for any reason or for any amount.

14. Craig states the evidence may show Plaintiff was contributorily negligent.

15. Craig states the evidence may show Plaintiff assumed the risk of the accident or his injuries.

16. Craig states the evidence may show that Plaintiff failed to mitigate his damages.

17. Craig denies that Plaintiff was injured to the extent alleged, if at all.

18. Craig presently lacks information sufficient to determine whether certain affirmative defenses may apply to Plaintiff's claims, and therefore specifically reserves the right to amend this Answer to assert all potential defenses revealed through discovery or at trial.

WHEREFORE, David J. Craig, by counsel, requests judgment on its behalf along with its costs and such other relief as justice may require.

Trial by jury is demanded.

DAVID J. CRAIG  
By Counsel



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*Counsel for Defendants*

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*Counsel for Plaintiff*

A handwritten signature in black ink, appearing to read "Jason M. Hart", is written over a horizontal line.